



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

1595 Wynkoop Street
Denver, CO 80202-1129
Phone 800-227-8917
www.epa.gov/region08

JAN 07 2016

Ref: 8ENF-RC

CERTIFIED MAIL 7009 3410 0000 2600 8091
RETURN RECEIPT REQUESTED

Mr. James R. and Joan D. Printy
P.O. Box 2071
Cut Bank, MT 59427-2071

Re: U.S. EPA Region 8 Request for Information for Jim's Auto

Dear Mr. and Mrs. Printy:

The EPA has determined that information regarding your salvage yard (Facility) located in Cut Bank, Montana, and on the Blackfeet Indian Reservation is needed to evaluate whether the requirements of the Resource Conservation and Recovery Act, 42 U.S.C. § 6927, *et seq.* (RCRA) are applicable to the Facility, and whether the Facility is in compliance with all applicable RCRA requirements.

You are receiving this letter because you have been identified as the owner and/or operator of the Facility and, as such, are responsible for compliance with this letter. The EPA requests that you submit the information requested herein not more than forty-five (45) calendar days after your receipt of this letter.

The terms defined in this letter and Enclosures 1 and 2 are applicable to each of the questions in Enclosures 1 and 2, unless a different definition of the same (or a similar term) appears in a particular attachment. In that case the definition in that attachment shall be applicable to each question in that attachment. Terms not defined in this letter or Enclosures 1 and 2, but defined in the statute are to be interpreted consistent with the statutory definition (*see, for example*, section 1004 of RCRA, 42 U.S.C. § 6903).

Precede each answer with the enclosure number and question number to which you are responding (for example, E1, 3). If a specific information request is not applicable to your Facility, please provide the question number and indicate N/A. If responsive information has been provided in a prior response, the response to the subsequent question may refer to the prior answer. If you have previously provided information responsive to any question to the EPA Region 8, your response to the specific request made by this letter may reference the previous submittal, but must include the date and method of submittal and the name of the intended recipient at the EPA.

Please submit the requested information to both:

Ms. Linda Jacobson
U.S. EPA Region 8
8ENF-RC
1595 Wynkoop Street
Denver, CO 80202-1129

Mr. Gerald Wagner
Blackfeet Environmental Office
Blackfeet Tribe
P.O. Box 2029
Browning, MT 59417-2029

Your response to this letter must include a signed copy of the Statement of Certification enclosed with this letter. The Statement of Certification must be signed and dated by a duly authorized officer or representative of your company.

Failure to provide the requested information or submittal of incomplete and/or false information may subject you or any other person authorized by you to respond to this letter to liability, including, but not limited to, the imposition of monetary penalties under RCRA. Please be further advised that the knowing omission of material information or the making of false material statements or representations may subject the responder to criminal penalties under RCRA and 18 U.S.C. § 1001.

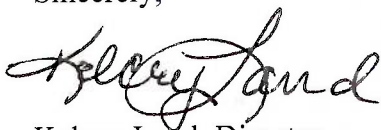
The information requested by this letter must be provided notwithstanding its possible characterization as confidential business information or trade secret. However, you may request, in accordance with and subject to the limitations of 40 C.F.R. Part 2, treatment of certain information as Confidential Business Information (CBI). CBI requests must be made at the time of submission or such information may not be protected as CBI by the EPA. You may assert such claim by placing on the information at the time submitted, a cover sheet, stamped or typed notice employing language so indicating, such as "Proprietary," "Company Confidential," "Trade Secret," etc. If the EPA determines the information so designated meets the criteria in 40 C.F.R. § 2.208, the information will be disclosed only to the extent and by means of the procedures specified in 40 C.F.R. Part 2, Subpart B.

Enclosed with this letter is a Small Business Regulatory Enforcement Fairness Act (SBREFA) information sheet, *U.S. EPA Small Businesses Resources*, containing information on compliance assistance resources and tools available to small businesses. SBREFA does not eliminate your responsibility to comply with the statutes or respond to this letter, nor does it create any new rights or defenses under law.

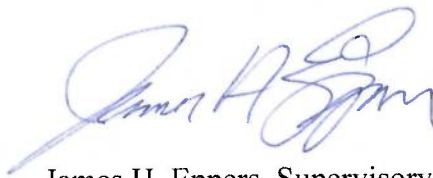
This letter is exempt from the approval requirements of the Paperwork Reduction Act, 44 U.S.C. § 3501 *et seq.*

If you require clarification of this letter, please contact Linda Jacobson at (303) 312-6503 for technical questions. For any legal questions you may have, please contact Erin Agee at (303) 312-6374.

Sincerely,



Kelcey Land, Director
RCRA/CERCLA Technical Enforcement Program
Office of Enforcement, Compliance
and Environmental Justice



James H. Eppers, Supervisory Attorney
Regulatory Enforcement Unit
Office of Enforcement, Compliance
and Environmental Justice

Enclosures

cc: Gerald Wagner, Environmental Director, Blackfeet Tribe
Shaun Lahr, Brownfields Coordinator, Blackfeet Tribe

**REQUEST FOR INFORMATION
STATEMENT OF CERTIFICATION**

I certify, under the penalty of law, that I have personally examined and am familiar with the information submitted in this document and all attachments, and that, based on my inquiry of those individuals immediately responsible for obtaining this information, I believe that the information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information.

Signature

Date

Printed Name

Title



U.S. EPA Small Business Resources Information Sheet

The United States Environmental Protection Agency provides an array of resources to help small businesses understand and comply with federal and state environmental laws. In addition to helping small businesses understand their environmental obligations and improve compliance, these resources will also help such businesses find cost-effective ways to comply through pollution prevention techniques and innovative technologies.

Small Business Programs

www.epa.gov/smallbusiness
EPA's Office of Small Business Programs (OSBP) advocates and fosters opportunities for direct and indirect partnerships, contracts, and sub-agreements for small businesses and socio-economically disadvantaged businesses.

EPA's Asbestos Small Business Ombudsman

www.epa.gov/sbo or 1-800-368-5888
The EPA Asbestos and Small Business Ombudsman (ASBO) serves as a conduit for small businesses to access EPA and facilitates communications between the small business community and the Agency.

EPA's Compliance Assistance Homepage

www2.epa.gov/compliance
This page is a gateway industry and statute-specific environmental resources, from extensive web-based information to hotlines and compliance assistance specialists.

EPA's Compliance Assistance Centers

www.assistancecenters.net
EPA's Compliance Assistance Centers provide information targeted to industries with many small businesses. They were developed in partnership with industry, universities and other federal and state agencies.

Agriculture

www.epa.gov/agriculture/

Automotive Recycling

www.ecarcenter.org

Automotive Service and Repair

ccar-greenlink.org/ or 1-888-GRN-LINK

Chemical Manufacturing

www.chemalliance.org

Construction

www.cicacenter.org or 1-734-995-4911

Education

www.campuserc.org

Food Processing

www.fpeac.org

Healthcare

www.hercenter.org

Local Government

www.lgean.org

Metal Finishing

www.nmfrc.org

Paints and Coatings

www.paintcenter.org

Printing

www.pneac.org

Ports

www.portcompliance.org

Transportation

www.tercenter.org

U.S. Border Compliance and Import/Export Issues

www.bordercenter.org

EPA Hotlines, Helplines and Clearinghouses

www2.epa.gov/home/epa-hotlines
EPA sponsors many free hotlines and clearinghouses that provide convenient assistance regarding environmental requirements. Some examples are:

Clean Air Technology Center (CATC) Info-line

www.epa.gov/ttn/catc or 1-919-541-0800

Superfund, TRI, EPCRA, RMP and Oil Information Center

www.epa.gov/superfund/contacts/infocenter/index.htm or 1-800-424-9346

EPA Imported Vehicles and Engines Public Helpline

www.epa.gov/otaq/imports or 734-214-4100

National Pesticide Information Center

www.npic.orst.edu/ or 1-800-858-7378

National Response Center

Hotline to report oil and hazardous substance spills - www.nrc.uscg.mil or 1-800-424-8802

Pollution Prevention Information Clearinghouse (PPIC) -

www.epa.gov/opptintr/ppic or 1-202-566-0799

Safe Drinking Water Hotline -

www.epa.gov/drink/hotline/index.cfm or 1-800-426-4791

Small Business Resources

Stratospheric Ozone Protection Hotline

www.epa.gov/ozone/comments.htm or 1-800-296-1996

Toxic Substances Control Act (TSCA) Hotline

tsc-hotline@epa.gov or 1-202-554-1404

Small Entity Compliance Guides

<http://www.epa.gov/sbrefa/compliance-guides.html>

EPA publishes a Small Entity Compliance Guide (SECG) for every rule for which the Agency has prepared a final regulatory flexibility analysis, in accordance with Section 604 of the Regulatory Flexibility Act (RFA).

Regional Small Business Liaisons

<http://www.epa.gov/sbo/rsbl.htm>

The U.S. Environmental Protection Agency (EPA) Regional Small Business Liaison (RSBL) is the primary regional contact and often the expert on small business assistance, advocacy, and outreach. The RSBL is the regional voice for the EPA Asbestos and Small Business Ombudsman (ASBO).

State Resource Locators

www.envcap.org/statetools

The Locators provide state-specific contacts, regulations and resources covering the major environmental laws.

State Small Business Environmental Assistance Programs (SBEAPs)

www.epa.gov/sbo/507program.htm

State SBEAPs help small businesses and assistance providers understand environmental requirements and sustainable business practices through workshops, trainings and site visits.

EPA's Tribal Portal

www.epa.gov/tribalportal/

The Portal provides access to information on environmental issues, laws, and resources related to federally recognized tribes.

EPA Compliance Incentives

EPA provides incentives for environmental compliance. By participating in compliance assistance programs or voluntarily disclosing and promptly correcting violations before an enforcement action has been initiated, businesses may be eligible for penalty waivers or reductions. EPA has two such policies that may apply to small businesses:

EPA's Small Business Compliance Policy

www2.epa.gov/enforcement/small-businesses-and-enforcement

This Policy offers small businesses special incentives to come into compliance voluntarily.

EPA's Audit Policy

www2.epa.gov/compliance/epas-audit-policy

The Policy provides incentives to all businesses that voluntarily discover, promptly disclose and expeditiously correct their noncompliance.

Commenting on Federal Enforcement Actions and Compliance Activities

The Small Business Regulatory Enforcement Fairness Act (SBREFA) established a SBREFA Ombudsman and 10 Regional Fairness Boards to receive comments from small businesses about federal agency enforcement actions. If you believe that you fall within the Small Business Administration's definition of a small business (based on your North American Industry Classification System designation, number of employees or annual receipts, as defined at 13 C.F.R. 121.201; in most cases, this means a business with 500 or fewer employees), and wish to comment on federal enforcement and compliance activities, call the SBREFA Ombudsman's toll-free number at 1-888-REG-FAIR (1-888-734-3247).

Every small business that is the subject of an enforcement or compliance action is entitled to comment on the Agency's actions without fear of retaliation. EPA employees are prohibited from using enforcement or any other means of retaliation against any member of the regulated community in response to comments made under SBREFA.

Your Duty to Comply

If you receive compliance assistance or submit a comment to the SBREFA Ombudsman or Regional Fairness Boards, you still have the duty to comply with the law, including providing timely responses to EPA information requests, administrative or civil complaints, other enforcement actions or communications. The assistance information and comment processes do not give you any new rights or defenses in any enforcement action. These processes also do not affect EPA's obligation to protect public health or the environment under any of the environmental statutes it enforces, including the right to take emergency remedial or emergency response actions when appropriate. Those decisions will be based on the facts in each situation. The SBREFA Ombudsman and Fairness Boards do not participate in resolving EPA's enforcement actions. Also, remember that to preserve your rights, you need to comply with all rules governing the enforcement process.

EPA is disseminating this information to you without making a determination that your business or organization is a small business as defined by Section 222 of the Small Business Regulatory Enforcement Fairness Act or related provisions.

Enclosure 1

REQUEST FOR INFORMATION GENERAL FACILITY INFORMATION

The EPA is authorized to request this information pursuant to section 3007 of the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. §6927.

Terms defined in this enclosure shall be construed as defined herein for each of the questions in Enclosure 2, unless a different definition appears in a particular attachment. In that case the definition in that attachment shall be applicable to each question in that attachment.

Definitions

The terms “and” and “or” shall be construed either disjunctively or conjunctively, as necessary, to bring within the scope of this Request for Information any information which might otherwise be construed to be outside its scope.

All questions asked in the past tense should be interpreted to apply to the present as well as the past, and vice versa.

Words in the masculine shall be construed in the feminine, and vice versa, and words in the singular shall be construed in the plural, and vice versa, where appropriate, in the context of a particular question or questions.

The terms “you” or “your” shall mean the addressee(s) of the letter, the addressee’s officers, managers, employees, contractors, trustees, partners, successors, assigns, and agents.

The term “describe” shall mean provide in detail all information you are aware of that may relate in any way to the information, person, or document referenced.

The terms “document” and “documents” shall mean any writing, recording, or stored information, and includes, but is not limited to, writings of any kind, formal or informal, whether or not wholly or partially in handwriting.

The term “Facility” shall mean the Facility described and defined in the letter to which this attachment is attached.

The term “identify” means, with respect to a natural person, to set forth the person’s name, present or last known business address and business telephone number, present or last known home address and home telephone number, and present or last known job title, position or business.

The term “identify” means, with respect to a corporation, partnership, business trust or other association or business entity (including a sole proprietorship), to set forth its full name, address, legal form (*e.g.*, corporation, partnership), organization, if any, and a brief description of its business.

The term “identify” means, with respect to a document, to provide its customary business description, its date, its number, if any (invoice or purchase order number), the author and recipient(s), and to describe the substance or the subject matter.

The term “person” includes any individual, and any organization, including, but not limited to, a firm, corporation, association, partnership, or governmental organization.

General Facility Information Questions

1. The correct name and street address of the Facility, including the city, county, and state in which the Facility is located. Provide information about the Facility, including but not limited to the following:
 - a. Property boundaries, including a written legal description that includes the latitude, longitude, datum, county, and state;
 - b. the street address and city, if applicable. Provide the mailing address if different from the street address;
 - c. provide the township, range, quarter-sections, and fractions for rural areas of the Facility (i.e. tribal trust, tribally owned fee, Indian allotment, non-Indian owned fee, non-Indian allotment);
 - d. surface structures (e.g., buildings, tanks, etc.);
 - e. groundwater wells and depth to groundwater;
 - f. stormwater drainage system, and sanitary sewer system, past and present, including septic tank(s), subsurface disposal field(s), and other underground structures; and where, when and how such systems are emptied;
 - g. any and all additions, demolitions or changes of any kind on, under or about the Facility, its physical structures or to the property itself (e.g., excavation work); and any planned additions, demolitions or other changes to the Facility;
 - h. a thorough description of each building and operation at the Facility, as well as a description of the surrounding area and land uses (i.e., agriculture, ranching, recreation, commerce, residential, etc.), and proximity to water, wetlands, and marshes, or environmentally sensitive areas, drinking water wells, etc., as known; and
 - i. a facility layout map on which you provide the size of the site in acres.
2. The date the Facility began operations at the current location and a concise history of Facility ownership, operation, and usage.
3. Identify the current owner and/or operator of the Facility, including the name and street address, and state the dates during which the current owner and/or operator owned, operated, or leased any portion of the Facility and provide copies of all documents evidencing or relating to such ownership, operation or lease, including but not limited to purchase and sale agreements, deeds, leases, etc. If you are the current owner, please state your future plans for the structures, land, and materials at the Facility.
4. Describe whether the Facility is owned or operated 51% or more by the Blackfeet Tribe (this does not include ownership, management, or control by an individual tribal member). Please provide any additional information, including a description of the Tribe’s interest, control, and responsibility.

Other information may include tribal interest less than 51% and essential or unique services the Facility or owner/operator provides the government of the Blackfeet Tribe.

5. List the number of current employees at the Facility and its hours of operation.
6. Identify any legal or equitable interest that you now have, or previously had in the Facility. Include information regarding the nature of such interest; when, how, and from whom such interest was obtained; and when, how, and to whom such interest was conveyed. Provide the name and current address of each related person to each current owner, such as a parent company, subsidiary, or partners (if any). In addition, submit copies of all instruments evidencing the acquisition or conveyance of such interest.
7. Identify all prior operators of the Facility, including any lessors of the Facility. For each such prior operator, further identify the dates of operation and the nature of their operations at the Facility.
8. Identify and provide copies of the most current notifications, licenses, and permits held by the Facility or its owners or operators during the Facility's years of operation, including those issued under the Clean Water Act, RCRA, or for solid waste by Tribal, state, federal, or local authority. If you filed a Hazardous Waste Activity Notification under RCRA on behalf of the Facility, please provide a copy of such notification.
9. List the name, address, and telephone number of the individual answering the questions in this Enclosure 1, and describe that individual's relationship to the owner(s) and operators(s).

Enclosure 2

REQUEST FOR INFORMATION
RESOURCE CONSERVATION AND RECOVERY ACT (RCRA) SPECIFIC INFORMATION

This information is requested pursuant to Section 3007 of RCRA, 42 U.S.C. § 6927.

1. Provide an inventory of all of the containers, drums and tanks of used oil, used gasoline, spent solvent, paint wastes, and other wastes at the Facility. Include the contents, volume, location of each, and date that storage of the wastes began.
2. Provide a discussion of how you make a hazardous waste determination for each of the different wastes in containers, tanks and drums, listed in the inventory developed for Item 1, consistent with 40 C.F.R. §262.11, using either your knowledge of any of the wastes or the performance of a test of that waste using the methods described in § 262.11.
3. Provide copies of disposal records, bills of lading, recycling certificates, or pick-up records for the last two years for offsite disposal of bulbs, batteries, paint wastes, used oil, solid wastes, oily soils, and hazardous wastes. For hazardous waste offsite shipments, please ensure that you include an appropriate manifest and associated land disposal restriction certification information.
4. Describe the measures taken to respond to all releases of used oil to soil consistent with 40 C.F.R. §279.22(d) and include disposal records for the oily soils consistent with tribal and federal requirements.
5. For your tanks and containers storing used oil, please provide photographic documentation of appropriate labeling of the tanks and containers with the words "Used Oil". Please note in your response whether you have a used oil burner and whether it meets regulatory requirements as set forth in 40 C.F.R. §279.23.
6. Provide the number of vehicles at your salvage yards and indicate for each vehicle the status of fluid draining and removal of the battery, catalytic converter, mercury switches and air conditioning unit or coolant.
7. Describe your procedure for processing new vehicles, including removal of fluids, refrigerant, batteries, and mercury switches.
8. Describe any spills of five gallons or more in the last three years, where this occurred, the substance spilled, measures taken to address the spill. If releases occurred to soils, list the quantity of soil removed, including characterization data and disposal records.
9. Provide a list of materials which you accept and materials which you exclude. Describe how you ensure PCBs, radioactive materials, etc. are identified and appropriately managed.
10. Provide the number of batteries currently in storage at your salvage yard and the exchange records. For batteries remaining in the vehicles, please provide a schedule of your plans for removal and exchange.

11. Provide the quantity of mercury switches currently in storage at your salvage yard, provide photos of the storage container and labeling, and provide disposal records for the last three years of disposal.
12. Provide a discussion of the car crushing conducted at your salvage yard. Identify the timeframe, frequency, draining of fluids, and collection, containerization and disposal of removed fluids, including but not limited to all oils, hydraulic fluid, brake fluid, gasoline, and power steering fluid. Please include information regarding the company conducting the crushing and the disposal records for the crushed cars. Please include a site map showing the location(s) at which the crushing was conducted and indicate whether this occurred on an impervious surface and whether secondary containment was provided.
13. Provide a discussion of the frequency and use of bead blast or sand blast machines, provide waste characterization information for the spent media, and disposal records for the bead blast or sand blast media.
14. Provide a list of the parts washers at your salvage yard and identify the solvent used in each, including the MS/DS sheet for the solvent, and the disposal or recycling records for the past five years. Include a copy of the tolling agreement, if such exists.
15. Provide the recycle, sale, or disposal records for the catalytic converters for the vehicles. Please indicate how many are currently in storage and where they are stored.
16. Provide a list of the amounts by type of antifreeze in storage at your salvage yard, including information on waste characterization and how it is managed or disposed. Please distinguish quantities of "Good Antifreeze" and "Waste Antifreeze".
17. Provide a list of all hazardous waste in storage at the Facility, including the waste type, the volume, and the date storage began. For hazardous waste containers or tanks, please include the inspection records for the last year.
18. Please describe your management and disposal of empty containers.
19. Provide a discussion of your management, storage, and disposal of tires.
20. Provide a description of your management of brake fluid, gear oil, power steering fluid, and transmission fluid.
21. Please state whether you use a hot tank with a solution of caustic cleaners and water. If so, please list the caustic used, the pH of the tank solution, the maintenance of the tank including how often it is cleaned. For disposal of sludge from the tank, please submit the analytical waste determination and disposal receipts for the last three years.
22. For indoor shops, provide a shop layout diagram, showing floor drains, sumps, and in-floor trenches. Include details on the frequency of sludge/mud cleanout and how the solids are characterized, managed, and disposed.

23. Please describe your usage of aerosol spray cans and how partially empty or defective ones are managed.
24. Please state whether you conduct painting at the Facility. If so, please identify where, how often, and wastes generated. If you use paint guns, please provide the MS/DS sheet for the paint gun cleaner, discuss how much paint gun cleaning waste is generated on a per month basis, and how this waste is managed.